

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

ANNE L. MEDLEY,

Plaintiff,

v.

RUSHMORE,

Defendant.

Case No. 16-CV-1716-JPS

ORDER

On August 15, 2017, the Court dismissed “JC Morgan Chase” (“Chase”) as a defendant in this action pursuant to the recommendation of Magistrate Judge David E. Jones. (Docket #9). Magistrate Jones determined that Plaintiff had provided no evidence of service for Chase as required by Federal Rule of Civil Procedure 4(m). (Docket #8). The sole remaining defendant, “Rushmore,” must now also be dismissed. According to the return of service provided by Plaintiff, Rushmore was served on February 7, 2017. (Docket #2 at 2). Rushmore has not filed an answer or otherwise mounted a defense to this lawsuit, and Plaintiff has not sought default judgment against it. On July 11, 2017, in accordance with Civil Local Rule 41(b), Magistrate Jones gave notice to Plaintiff that Rushmore would be dismissed within twenty-one days if she did not seek default judgment. (Docket #7). That time is now passed and the Court has received no motion for default judgment.

Accordingly,

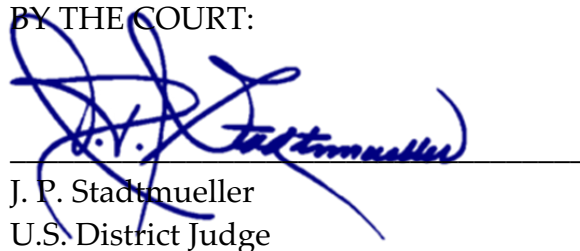
IT IS ORDERED that Defendant Rushmore be and the same is hereby **DISMISSED** from this action; and

IT IS FURTHER ORDERED that this action be and the same is hereby **DISMISSED** without prejudice for Plaintiff's failure to prosecute the same.

The Clerk of the Court is directed to enter judgment accordingly.

Dated at Milwaukee, Wisconsin, this 22nd day of August, 2017.

BY THE COURT:



J. P. Stadtmueller
U.S. District Judge